



Waganakising Odawak
Little Traverse Bay Bands of Odawa Indians
Office of Tribal Chairman
7500 Odawa Circle, Harbor Springs, Michigan 49740
Phone 231-242-1418 • Fax 231-242-1411

PERSONAL PROTECTION ORDERS REGULATIONS
REG-WOS 2015-008 XXXXXX-00X

A. Introduction. These Regulations are promulgated pursuant to Section XIII of the Personal Protection Orders and No Contact Orders and Violations of Protective Orders Statute, WOS 2015-008, which was passed by Tribal Council on May 7, 2015 and enacted May 13, 2015. These Regulations set forth:

- A. Petitioning the Court for a Domestic or Non-Domestic Personal Protection Order;
- B. Granting a Domestic or Non-Domestic Personal Protection Order;
- C. Delivery of Domestic or Non-Domestic Personal Protection Order; and
- D. Hearing and Other Motions.

B. Definitions.

- A. “Petition” means the person requesting a Personal Protection Order
- B. “Respondent” means the person subject a Personal Protection Order

C. Petitioning the Court for a Domestic or Non-Domestic Personal Protection Order (PPO).

1. The Court will make available in writing as well as offering to read for the petitioner for a domestic and non-domestic personal protection order a *Frequently Asked Question sheet* that includes the following items:

- 1. What Is A Personal Protection Order?
- 2. What Is The Purpose Of A Personal Protection Order?
- 3. Do I Need A Safety Plan?
- 4. Who Can Get A PPO?
- 5. Who Can The Court Issue A PPO Against?
- 6. Where Do I Get A PPO?

7. Where Do I Get Assistance Filling Out The Form?
8. Do I Need An Attorney To File For A Protection Order?
9. What Resources Are Available?
10. What Is The Cost To Request To File A PPO?
11. What Information Do I Need To Request A PPO?
12. Do I Need Evidence?
13. How Do I Keep My Self Safe While Getting A PPO?
14. How Are PPO's Issued?
15. Once I Have Been Granted A PPO, Who Notified The Respondent When A PPO Is Issued?
16. How Will I Be Notified When The Respondent Has Been Served?
17. Can The Respondent Have The Ex-Parte PPO Revoked Or Changed?
18. What Do I Do If The Respondent Violates The Conditions Of The PPO?
19. How Will My Safety Concerns Be Addressed At The Hearing?
20. Can I As The Petitioner Violate The PPO (For Example By Calling The Respondent?)
21. What Do I Do If I Am In A Public Place And I See The Respondent?
22. How Do I Make Changes To A PPO?
23. When Does The PPO Expire? Can It Be Renewed?
24. If I Have An Ex-Parte PPO, How Are My Children Protected?
25. I Do Not Have An Order For Custody Or Parenting Time, How Do I Get One?
26. We Have Property Together, How Do I Work Out Property Division Or Support Or Any Other Issues?
27. How Do I Terminate A PPO?

- D.** The Court will refer petitioner requesting Domestic PPO with difficulties reading or having other issues related to filling out the paperwork required to meet with the LTBB Survivor Support Services or the Women's Resource Center of Northern Michigan. If applicable, the aforementioned advocates and agencies can also assist the petitioner in developing a safety plan.
- E.** The Court will provide a "sample" safety plan for the Petitioner.
- F.** The Court will advise the petitioner in writing or verbally that a personal protection order generally remains in effect for one (1) year, unless the Court orders otherwise. The petitioner will be advised by the Court that if circumstances change and the petitioner feels they are no longer in danger, the Petitioner may ask the court to have a hearing to modify or terminate the PPO.
- G.** The Court will advise the Petitioner that Mutual protection orders are not available through Tribal Court, but each party may have petition for a PPO.

H. The Court will not charge a fee or court cost to file for a personal protections order, to hold a hearing, for serving a PPO by law enforcement within the Tribe's jurisdiction or to have the protection order modified or terminated.

I. Granting a Domestic or Non-Domestic Personal Protection Order.

1. An ex-parte personal protection order does not require a hearing to acquire an ex-parte PPO.

2. The Court can deny an ex-parte order and shall schedule a hearing within 14 days, or sooner, if both parties are able to attend, unless withdrawn by the Petitioner.

3. If an ex-parte order is not granted, the Petitioner may have the petition for an ex-parte PPO withdrawn and no further action shall be commenced by the Court.

4. Notice of hearing for issuance or challenging a PPO shall be suspended while the Respondent is either incapacitated or incarcerated.

5. Only Ex-parte orders may include custody and parenting time of shared children between the Petitioner and Respondent, provided that the court balances the following:

- a.** The rights of the Respondent versus the potential exposure of the child(ren) to a substantial risk of physical or emotional injury or sexual abuse, upon the request of the Petitioner.
- b.** In order for custody and/or parenting time to become permanent, a separate cause of action for permanent custody or parenting time must be filed with the court.

6. Any other requests such as temporary child support, property distribution, alimony or any other causes of action shall be petitioned as a separate cause of action and may be filed with the court at the same time as the petition for an ex-parte PPO or PPO. Such notice and petition may be served with an ex-parte PPO or PPO, or any other notice of hearing.

7. All ex-parte orders shall expire within fourteen (14) days or until such time that a hearing is held.

J. Delivery of Domestic or Non-Domestic Personal Protection Order to Respondent by Law Enforcement.

1. The Court shall provide the Personal Protection Order and any other separate causes of action between the Petitioner and Respondent to Law Enforcement along with the Frequently Asked Question sheet. It is recommended that Law

Enforcement read to the Respondent the conditions of the Personal Protection Order and Frequently Asked Question sheet that contain the following:

- a. What Is A Personal Protection Order?
- b. Why Is There A PPO Against Me?
- c. Why Wasn't I Notified?
- d. Do I Need To Attend A PPO Hearing?
- e. Am I Being Charged With A Crime?
- f. If I Do Not Plan To Have Any Contact With The Petitioner, Do I Still Need To Challenge The PPO?
- g. Can I Have The PPO Terminated?
- h. What Happens At The Hearing?
- i. What Happens If I Don't Contact The Court Or Fail To Attend The Hearing?
- j. What Additional Terms May Be Included In The PPO?
- k. What Should I Do If The Petitioner Contacts Me?
- l. What If The Petitioner Is Harassing Me?
- m. We Have Children Together, How Do I Work Out Parenting Time/Custody Issues Before The Hearing?
- n. I Do Not Have An Order For Custody Or Parenting Time, How Do I Get One?
- o. We Have Property Together, How Do I Work Out Property Division Or Support Or Any Other Issues?
- p. What Do I Do If I Am In A Public Place And I See The Petitioner?
- q. What Would Happen If I Violation The PPO?
- r. When Does The PPO Expire? Can It Be Renewed?

2. Upon service of the PPO, Law Enforcement shall enter the PPO into Law Enforcement Information Network (LEIN) and notify the Petitioner if a contact number is available.

II. HEARINGS

A. Upon receiving any request for a hearing, either requesting a PPO or challenging a PPO, the Tribal Court shall hold a hearing within 10 business days. The Tribal Court shall provide at least a seven (7) day notice of any hearing held pursuant to the Statute and in accordance with the Tribal Court Rules.

B. Notice of hearing shall be suspended while the Respondent is either incapacitated or incarcerated.

C. In the absence of any other petitions filed between the parties, the Court shall only rule on granting, dismissing or modifying the PPO.

D. If either the Petitioner or Respondent has filed a separate cause of action for child custody, support, parenting time, property distribution, alimony or any other causes of action between the parties, with proper notice to the parties, the Court may combine the PPO hearing and other actions into one hearing.

E. The Court will determine the validity of the alleged facts of the petition based on evidence submitted by the Petitioner. The Court may rule on the PPO request in the absence of the Petitioner.

F. The Court will explain to the Respondent at the time of a PPO hearing that if the personal protection order remains in effect after the hearing, contact or invitation by the petitioner does not nullify the order. It is the Respondent's responsibility to follow the order.

G. The Respondent and the petitioner have the right to file a police report to any law enforcement agency about the other party or request their own personal protection order if they feel they are in danger or feel a law has been broken.

VII. PETITIONER'S SAFETY

A. Law Enforcement is responsible for the Petitioner's safety during a PPO hearing. Court Staff may offer to see if an advocate is available from Survivor Outreach Services with the permission of the petitioner of a domestic PPO.

VIII. PPO TERMINATION

A. Upon the filing of a motion to modify, or terminate a Personal Protection Order, the Court will shall either on the record or in chambers determine if the request to modify or terminate the protection order is due to coercion, threats or intimidation by the Respondent or third parties.

B. The Court shall upon the request of the Petitioner or on its own motion may extend a PPO.

C. The Respondent must show good cause to have a Personal Protection Order either modified or terminated.